



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



November 21, 2002

CERTIFIED MAIL # 7099 3400 0002 9773 1397
RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 02-46

Jaffrey Auto Service
26 Fitzgerald Drive
Jaffrey, New Hampshire 03452

Attn: Mr. Ralph Cody, Owner

Re: Jaffrey Auto Service
Jaffrey, New Hampshire
EPA ID #NHD510121882

Dear Mr. Cody

On August 21, 2002, the Department of Environmental Services, Waste Management Division (DES), conducted an inspection of Jaffrey Auto Service (JAS), located on 26 Fitzgerald Drive, in Jaffrey, New Hampshire. The purpose of the inspection was to determine JAS's compliance status relative to RSA Ch.147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 Hazardous Waste Determination

At the time of the inspection, DES confirmed that JAS had not performed a hazardous waste determination for the waste fluorescent lamps generated at the facility. DES also verified that the waste lamps were routinely disposed of in the facility dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that JAS test a representative sample of the waste fluorescent lamps for the characteristic of toxicity as defined in Env-Wm 403.06. This analysis should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that waste determinations may also be demonstrated by JAS using knowledge of the hazardous waste constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, JAS may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheets #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters", as well as a DES "Fluorescent Lamp and Ballast Recycling Facility" list to aid you with the determinations.

JAS will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

2. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, one (1) 275-gallon tank and two (2) 5-gallon containers of used oil destined for recycling, were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that JAS label all containers and tanks of used oil destined for recycling with the words "Used Oil for Recycle" at all times during accumulation and storage.

3. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, the one (1) 275-gallon tank and one (1) 5-gallon container of used oil destined for recycling, were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that JAS keep all containers and tanks closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

4. Env-Wm 809.02 - Standards for Spent Lead-Acid Batteries Being Reclaimed

At the time of the inspection, JAS was storing automotive lead-acid batteries on the facility floor where they are subject to potential damage and/or breakage.

Env-Wm 809.02 requires that generators and collectors of spent lead-acid batteries, destined for reclamation, store the batteries in a manner designed to ensure that battery housings do not break or leak acid onto the soil or into any ground waters or surface waters.

DES requests that JAS store waste automotive batteries in a safe manner during storage and accumulation. This includes, but is not limited to, removing the above-mentioned batteries from the facility floor and storing them where their potential for breakage and leakage is minimized (i.e. storage on a pallet next to the facility wall).

Alternatively, JAS may elect to manage the waste batteries as a universal waste in accordance with Env-Wm 1109- Universal Waste Batteries. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries- Requirements for Handlers and Transporters" to aid you in evaluating your possible options.

5. Env-Wm 14.04 - Universal Waste Management

At the time of the inspection, one (1) 55-gallon container of universal waste antifreeze, located outside the Garage Area, was not marked with the words "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

Env-Wm 1114.04 requires universal waste handlers to ensure all container(s) holding universal waste antifreeze be clearly labeled or marked with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

DES requests that JAS clearly label or mark container(s) holding universal waste antifreeze with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze." Also, please find the enclosed DES vendor list "Antifreeze Recycling Companies" to aid you in recycling your waste.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by JAS can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against JAS, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

COPY


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
NHDES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management...."
NHDES Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries: Management...."
NHDES list of "Fluorescent Lamp and Ballast Recycling Facilities"
NHDES list of "Antifreeze Recycling Companies"